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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,585	01/11/2006	Kojiro Kawasaki	2005_0712A	4119
52349 7590 12/18/2008 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006				
EXAMINER				
TEKLE, DANIEL T				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
12/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,585

Applicant(s)

KAWASAKI ET AL.

Examiner

DANIEL TEKLE

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-10,12,13 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-10,12,13 and 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 7-10, 12-13 and 18-27 rejected under 35 U.S.C. 102(e) as being anticipated by DeCarmo (US 6,567,979).

Regarding Claim 1: DeCarmo discloses a recording and reproducing apparatus for recording a packet stream containing AV transport packets and data table packets for managing the AV transport packets, comprising: a demultiplexer for demultiplexing a first packet stream into AV transport packets and data table packets (**column 1 lines 34-48 and column 7 lines 29-43**); an AV decoder for decoding the AV transport packets and outputting AV data (**column 3 lines 10-31**); an AV encoder for encoding the AV data and outputting second AV transport packets (**column 6 lines 27-34**); a data table packet generator for constructing second data table packets for managing the second AV transport packets based on the data table packets (**column 3 lines 32-39**); and a multiplexer for multiplexing the second AV transport packets and second data table packets, and outputting a second packet stream (**column 1 lines 34-48 and column 29-43**); wherein parental control information contained in the first packet stream

is included in management information for managing the second data table packets or second AV transport packets **(column 3 lines 32-39)**.

Regarding Claim 2: DeCarmo discloses a recording and reproducing apparatus as described in claim 1, further comprising a digital tuner for receiving and demodulating digital broadcasts; and a storage controller for recording the first packet stream or second packet stream **(column 2 lines 37-52)**; wherein the first packet stream or the second packet stream stored in the storage controller is input to the demultiplexer **(column 4 lines 40-49)**.

Regarding Claim 7: DeCarmo discloses a recording and reproducing apparatus as described in claim 2, further comprising a program table data processor for collecting program information from the first packet stream or second packet stream and generating a program table **(column 3 lines 10-31)**; and a user interface unit for receiving user input **(column 3 lines 32-39)**; wherein the demultiplexer outputs the AV transport packets and data table packets for a program selected from the user interface unit **(column 3 lines 10-31)**.

Regarding Claim 8: DeCarmo discloses a recording and reproducing apparatus as described in claim 7, wherein the storage controller records the first packet stream or second packet stream based on input from the user interface unit **(column 3 lines 32-39 and column 4 lines 40-49)**.

Regarding Claim 9: DeCarmo discloses a recording and reproducing apparatus as described in claim 7, wherein the AV encoder determines the compression rate based on input from the user interface unit (**column 6 lines 27-34**).

Regarding Claim 10: DeCarmo discloses a recording and reproducing apparatus as described in claim 1, further comprising an age setting unit for inputting a viewer age (**column 3 lines 32-39**); wherein the age set by the age setting unit and the parental control information are compared, and an AV decoding process is run if the age set by the age setting unit is greater than or equal to the parental control information, and the AV decoding process is prohibited if not (**column 3 lines 32-39**).

Regarding Claim 12-13 and 18: Claim 12-13 and 18 are reject for the same subject matter as claim 1-2 and 10 respectively discussed above.

Regarding Claim 19-20: Claim 19-20 are reject for the same subject matter as claim 12 discussed above.

Regarding Claim 21: DeCarmo discloses a recording and reproducing apparatus as described in claim 1, wherein the AV data is an analog signal (**column 8 lines 30-35**).

Regarding Claim 22: DeCarmo discloses a recording and reproducing apparatus as described in claim 1, wherein the AV data is a baseband signal (**column 2 lines 38-52**).

Regarding Claim 23-25: Claim 23-25 are reject for the same subject matter as claims 7-9 discussed above.

Regarding Claim 26-27: Claim 26-27 are reject for the same subject matter as claims 21-22 discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621
/Daniel Tekle/
Examiner, Art Unit 2621

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